

MAR 29 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sidney E. Buttrill, Jr.
Application no. : 10/758,326
Confirm. no.: : 6401
Filed : January 14, 2004
For : ELECTRIC SECTOR TIME-OF-FLIGHT MASS
SPECTROMETER WITH ADJUSTABLE ION
OPTICAL ELEMENTS
Group art unit : 2881
Examiner : Nikita Wells

OFFICIAL FACSIMILE TRANSMITTAL

TO:

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

FACSIMILE NUMBER:

703.872-9306 (centralized fax no. for all documents)

THE SENDER IS:

Tae Bum Shin
Limited Recognition under 37 CFR §11.9(b)
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020
Tel. (650) 617-4000 (Calif.)
Fax. (212) 596-9090 (New York)

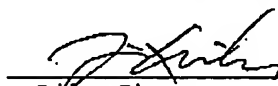
CLIENT NO.:

000748.0011

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted
to the U.S. Patent and Trademark Office on the date shown below,
pursuant to 37 C.F.R. § 1.6(d).

March 29, 2005
Date


Lily Jiang

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER

7

PATENTS

Rev. 12/04
Modified PTO 1083
For A Small Entity

Attorney Docket No. CIPHBIO-11 CON

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Mail Stop Amendment
Hon. Commissioner for Patents
P. O. BOX 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☐ a Preliminary Amendment;
☒ a Terminal Disclaimer; ☐ a Supplemental Amendment;
☐ a substitute Specification; ☐ a Declaration; ☐ a Supplemental Declaration; ☐ a
Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; to be
filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS AND/OR PAGES

- ☒ A fee for additional claims or pages is not required.
☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:


| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADDITIONAL |
|---|---|---|------------------|---------|------------|
| TOTAL CLAIMS | - | * | = | x \$25 | = \$0.00 |
| INDEPENDENT CLAIMS | - | ** | = | x \$100 | = \$0.00 |
| FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM | | | | + \$180 | = \$0.00 |
| | | | | TOTAL | \$0.00 |

* If less than 20, insert 20.
** If less than 3, insert 3.

- ☐ As a result of the amendment submitted herewith, this application now includes excess pages beyond those previously paid for. The number of additional groups of 50 excess pages resulting from this amendment is _____ x \$125 = \$ _____.
- ☐ A check in the amount of \$ 0.00 in payment of the fee for additional claims and/or pages is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ Please charge \$ 65.00 to Deposit Account No. 06-1075 in payment of the fee for the terminal disclaimer as set forth in 37 C.F.R. § 1.20(d). A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- ☐ The following extension fee is applicable to the Response filed herewith:
☐ \$60.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$225.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$510.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$795.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,080.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$60.00 ☐ \$225.00 ☐ \$510.00 ☐ \$795.00 ☐ \$1,080.00 in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$60.00 ☐ \$225.00 ☐ \$510.00 ☐ \$795.00 ☐ \$1,080.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.


Tae Bum Shin
Limited Recognition under 37 CFR §11.9(b)

(Signed in a representative capacity as Agent
for Applicant pursuant to 37 CFR §1.34)

for James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicant
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (650) 617-4000

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PATENTS
CIPHBIO-11 CON

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TERMINAL DISCLAIMER UNDER
37 C.F.R. § 1.321(b) and (c)

Sir:

CIPHERGEN BIOSYSTEMS INCORPORATED, a corporation organized and existing under the laws of the State of Delaware, having an office and place of business at 6611 Dumbarton Circle, Fremont, California 94555, United States of America, represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

1. United States Patent 6,867,414 B2 ("the '414 patent"), entitled "ELECTRIC SECTOR TIME-OF-FLIGHT MASS SPECTROMETER WITH ADJUSTABLE ION OPTICAL ELEMENTS," issued March 15, 2005 on United States patent application No. 10/424,351 ("the '351 application"), filed April 24, 2003.

2. United States patent application No. 10/758,326 ("the instant application"), filed January 14, 2004, which is a continuation of the '351 application.

Assignment of the '351 application by the inventor to CIPHERGEN BIOSYSTEMS INCORPORATED was recorded on August 4, 2003 at Reel 014341, Frame 0046. The instant application, as a continuation under 35 U.S.C. § 120 of the '351 application, is also assigned to CIPHERGEN BIOSYSTEMS INCORPORATED by this assignment.

The undersigned hereby disclaims, except as provided below, the terminal portion of any patent granted on the instant application which would extend beyond the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of the '414 patent.

The undersigned agrees that any patent so granted on the instant application shall be enforceable only for and during such period as the legal title to the instant application shall be the same as the legal title to the '414 patent. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the instant application prior to the full statutory term of the '414 patent, in the event that the '414 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims canceled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned is authorized to act on behalf of CIPHERGEN BIOSYSTEMS INCORPORATED in connection with the instant application.

Respectfully submitted,

March 28, 2005

Date



John Storella, Esq.
Vice President for Intellectual
Property

Ciphergen Biosystems, Inc.
6611 Dumbarton Circle
Fremont, California 94555

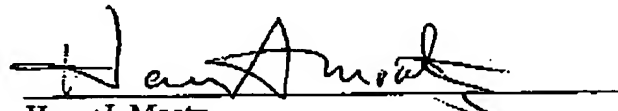
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)

Mr. Tae Bum Shin is hereby given limited recognition under 37 CFR §11.9(b) as an employee of Fish & Neave IP Group, Ropes & Gray LLP to prepare and prosecute patent applications wherein the patent applicant is the client of Fish & Neave IP Group, Ropes & Gray LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Neave IP Group, Ropes & Gray LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Tae Bum Shin ceases to lawfully reside in the United States, (ii) Mr. Tae Bum Shin's employment with Fish & Neave IP Group, Ropes & Gray LLP, ceases or is terminated, or (iii) Mr. Tae Bum Shin ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: December 14, 2007


Harry I. Moatz
Director of Enrollment and Discipline